



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,552	09/02/2004	Takumi Ikeda	MAT-8597US	1680
23122	7590	12/12/2007		
RATNERPRESTIA			EXAMINER	
P O BOX 980			JUNG, DAVID YIUK	
VALLEY FORGE, PA 19482-0980				
			ART UNIT	PAPER NUMBER
			2134	
			MAIL DATE	DELIVERY MODE
			12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,552

Applicant(s)

IKEDA, TAKUMI

Examiner

David Y. Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on file is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-50 are presented.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Regarding claims 1-50, the claimed invention is directed to non-statutory subject matter. Claims recite only perfunctory recitation of functional material (recording medium, apparatus, etc.). Aside from this, the claims recite only nonfunctional descriptive material. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”). Such a result would exalt form over substance.

For further guidance on the term “nonfunctional”, please see MPEP 2106.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (cited by Applicant, JP 2000-16384, Takahashi).

Claims 1-3, 19-22 are independent claims. Other claims are dependent claims. All dependent claims ultimately depend from claims 1-3.

Regarding claim 1, Takahashi teaches “An information processing apparatus for recording data on a recording medium, comprising: a copyright processing information reception unit for receiving copyright processing information related to copyright processing of the recording medium; and a copyright processing information recording unit for recording the copyright processing information on the recording medium (abstract, copyright ...karaoke machine).”

These passages of Takahashi do not teach “information processing apparatus” in the sense of the claim. Takahashi teaches a karaoke machine, rather than what Applicant seems to refer by “information processing apparatus” – a generalized information apparatus such as a computer.

Nevertheless, it was well known in the art to use “information information apparatus” in a situation of audio, visual, or other content for the motivation of handling content together with other features of a generalized information apparatus.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify the teachings of Takahashi for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 2, Takahashi teaches “An information processing apparatus for recording a content on a recording medium, comprising:
a content holding unit for holding the content;
a copyright processing information acquiring unit for acquiring copyright processing information related to copyright processing recorded on the recording medium;
a content recording unit for recording the content held by the content holding unit based on the copyright processing information;
a copyright processing information reception unit for receiving copyright processing information related to copyright processing of the recording medium from an outside;
and
a copyright processing information recording unit for recording the copyright processing information on the recording medium (abstract, copyright ...karaoke machine).”

These passages of Takahashi do not teach “information processing apparatus” in the sense of the claim. Takahashi teaches a karaoke machine, rather than what Applicant seems to refer by “information processing apparatus” – a generalized information apparatus such as a computer.

Nevertheless, it was well known in the art to use "information information apparatus" in a situation of audio, visual, or other content for the motivation of handling content together with other features of a generalized information apparatus.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify the teachings of Takahashi for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 3, Takahashi teaches "An information processing apparatus for recording a content on a recording medium comprising:

a receiving unit for receiving the content;

a copyright processing information acquiring unit for acquiring copyright processing information recorded on the recording medium;

a content recording unit for recording the content based on the copyright processing information;

a copyright processing information reception unit for receiving copyright processing information related to copyright processing of the recording medium from an outside;
and

a copyright processing information recording unit for recording the copyright processing information on the recording medium (abstract, copyright ...karaoke machine)."

These passages of Takahashi do not teach "information processing apparatus" in the sense of the claim. Takahashi teaches a karaoke machine, rather than what Applicant seems to refer by "information processing apparatus" – a generalized information apparatus such as a computer.

Nevertheless, it was well known in the art to use "information information apparatus" in a situation of audio, visual, or other content for the motivation of handling content together with other features of a generalized information apparatus.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify the teachings of Takahashi for the motivation noted in the previous paragraphs so as to teach the claimed invention.

claims 4,18, 45-50: such various storages are well known in the art for the motivation of data handling.

claims 5, 6-10, 23-30: such various copyright information and separately storing the copyright information are well known for the purposes of security (discourage hacking) and disseminating copyright information (so as to inform the user against illegal copying).

claims 37-43: communication such as reception and transmission as recited are well known in the art for the motivation of data handling.

claims 11-14: such user identification and certifying are well known for the motivation of authentication.

claims 15-17, 31-36, 44: such copyright loyalty well known for the motivation of authentication.

Regarding claim 19, Takahashi teaches “[] comprising:
a command information reception unit for receiving command information including information related to a rewriting command or a recording command of the copyright processing information; and
a command information transmitting unit for transmitting the command information (abstract, copyright ...karaoke machine).”

These passages of Takahashi do not teach “information processing apparatus” in the sense of the claim. Takahashi teaches a karaoke machine, rather than what Applicant seems to refer by “information processing apparatus” – a generalized information apparatus such as a computer.

Nevertheless, it was well known in the art to use “information information apparatus” in a situation of audio, visual, or other content for the motivation of handling content together with other features of a generalized information apparatus.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify the teachings of Takahashi for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Claims 20-22 relate to “computer program execute” analogs of claims 1-3. Computer programs to execute are well known in the art for the motivations of handling content within a generalized computer.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Takahashi for the motivation noted in the previous paragraphs so as to teach the claimed inventions of claims 20-22.

Application/Control Number:
10/506,552
Art Unit: 2134

Page 8

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Application/Control Number:
10/506,552
Art Unit: 2134

Page 9

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

David Jung

Patent Examiner

12/6/07

A handwritten signature in black ink, consisting of a stylized 'D' followed by a series of loops and a long horizontal stroke.